

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA and THE STATE OF WISCONSIN,)	
)	
Plaintiffs,)	Civil Action No. 10-C-910
)	
v.)	Hon. William C. Griesbach
)	
NCR CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**SUPPLEMENTAL DECLARATION OF RANDALL M. STONE
SUBMITTED IN RESPONSE TO CERTAIN DEFENDANTS' CROSS-MOTION FOR
SUMMARY JUDGMENT ON THE PROPRIETY OF THE REMEDY**

I, Randall M. Stone, declare as follows:

1. I am a Senior Attorney with the Environmental Enforcement Section of the United States Department of Justice. I have served as counsel for the United States on matters concerning the Lower Fox River and Green Bay Superfund Site (the "Site") since 2000. \

2. Exhibit 1 to this Declaration is a true and correct of WDNR's January 1998 Superfund Cooperative Agreement application seeking funding and authorization for WDNR's State lead activities for the Site. This version of the document contains pages that were inadvertently omitted from the Cooperative Agreement materials that were filed with the Court's ECF system as Dkt. 578-1. The inadvertently omitted pages include a set of "Assurances" by WDNR, including the assurance that "[a]ll activities conducted under this Agreement shall not be inconsistent with the revised National Contingency Plan (NCP) , 40 CFR 300, dated March 8, 1990 (Vol. 55 No. 46 Federal Register 8666)." (NCR-FOX-435173).

3. Exhibit 2 to this Declaration is a copy of the final Cooperative Agreement form signed by EPA and WDNR in 1998.

4. Exhibit 3 to this Declaration is a true and correct copy of EPA's internal documentation authorizing entry into the State lead Cooperative Agreement with WDNR for the Site.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 15, 2012

s/ Randall M. Stone

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this day, the foregoing Declaration was filed electronically with the Clerk of the Court using the Court's Electronic Court Filing System, which sent notification of such filing to the following counsel:

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Dated: November 15, 2012

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